

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **February 5, 2013**

RE: **Analysis Report**

Balances As Of:	<u>1/30/13</u>	<u>2/1/12</u>
<u>GSD 4% RESERVE FUND</u>	*\$24,914,746	\$25,836,951
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$61,358,778	\$44,378,057
USD	\$8,478,089	\$8,556,677
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$54,933,590	\$34,449,193

*** Assumes estimated revenues in fiscal year 2013 in the amount of \$25,514,400**

– BILL ON PUBLIC HEARING –

ORDINANCE NO. BL2013-354 (CLAIBORNE) – This ordinance amends the Metro zoning code to delete the land use designation of “historic home events”, and to replace it with a new use called “special events center”. Under the current zoning code, “historic home events” in the residential zoning districts are only allowed if the board of zoning appeals (BZA) grants a special exception use permit. The zoning code defines historic home event as “the hosting of events such as, but not limited to, weddings or parties for pay at a private home which has been judged to be historically significant by the historic commission.” The code includes certain criteria that must be met in order for a home to be allowed to hold these home events, such as parking standards, limited meal service, and a requirement that the home be owner-occupied.

The purpose of the historic home event zoning category at the time it was enacted was to provide an economic incentive to preserve large historic homes by allowing the property owner to generate income to help offset the maintenance costs. There are currently only four properties permitted as a historic home event use in a residential area, which, according to the planning commission staff report, indicates that the existing provisions have not achieved the desired goal of preserving large historic homes. The staff report also notes that the neighborhood landmark overlay district and the specific plan district are tools that can now be used to accomplish the same goal, which gives the council more control.

This ordinance would delete the historic home event provisions in their entirety and would create a new use called “special events center” to be permitted in the mixed-use, office, and commercial districts, and permitted with conditions in the mixed-use neighborhood and commercial neighborhood zoning districts. These events would not be allowed in residential zoning districts. Special events centers in the mixed-use neighborhood and commercial neighborhood districts would be limited to a maximum of 5,000 square feet of gross floor area.

The ordinance was deferred by the planning commission at its January 24, 2013 meeting.

– RESOLUTIONS –

RESOLUTION NO. RS2013-558 (MATTHEWS) – This resolution amends the capital improvements budget for fiscal year 2013 to add three projects included as part of the mid-year capital spending plan submitted by the mayor, which is the subject matter of Resolution No. RS2013-559. The projects to be added are as follows:

- \$4,000,000 for the relocation/buildout of the central police precinct
- \$7,000,000 for exterior improvements to Bridgestone Arena
- \$50,000,000 for C-level stormwater projects countywide

The Metro Charter requires that this resolution receive 27 affirmative votes in order to be adopted.

RESOLUTION NO. RS2013-559 (MATTHEWS) – This resolution determines to issue \$110,000,000 in GSD general obligation bonds to provide funding for various projects contained in the mayor’s proposed mid-year 2013 capital spending plan. This is the first step in the process toward the ultimate sale of the bonds by public bid to provide the necessary financing for the projects. Approval of this initial resolution will allow the Metropolitan Government to use its commercial paper program to provide short term financing to commence construction prior to the sale of the long term bonds. The resolution will provide funding for the following projects:

- \$4,000,000 for the relocation/buildout of the central police precinct. This precinct is currently housed in the Bridgestone arena. The precinct will be constructed on Metro-owned property in front of the new NES substation along Korean Veterans Boulevard acquired as a result of the construction of the Music City Center.
- \$7,000,000 for exterior improvements to Bridgestone arena consisting of a new entrance and plaza area on the south side of the building. The improvements would also provide space for retail and restaurant establishments along Demonbreun and Fifth Avenue.
- \$28,000,000 for the new Lentz Health Center being constructed at the corner of 26th Avenue North and Charlotte Avenue on property currently owned by HCA. The council approved a public-private partnership with HCA in 2011 whereby HCA and Metro agreed to swap the HCA tract for the current Lentz property, and for HCA to construct a new health center on the HCA tract for the benefit of Metro at a cost not to exceed \$28.5 million. HCA is building the public health facility to Metro’s specifications and preliminary construction has now started on the site.
- \$50,000,000 for the stormwater program to fund C-level projects over the next 5 years. In 2009, the council created a stormwater user fee to fund such projects. This fee is pledged in this resolution as a revenue source for these projects but the debt will be backed by the general government.
- \$5,000,000 to replenish the open space acquisition fund and for further riverfront improvements.
 - \$5,000,000 for paving and road projects
 - \$2,500,000 for sidewalks
 - \$2,000,000 for road and greenway paving at various Metro parks.

It is anticipated that a resolution to issue long-term bonds and retire outstanding commercial paper will be submitted to the council within a couple of months since interest rates continue to remain at historically low levels.

The council office would note that this resolution cannot be approved unless and until Resolution No. RS2013-558 is approved.

RESOLUTION NO. RS2013-572 (MATTHEWS) - This resolution approves an application for a grant in the amount of \$4,000 from the Tennessee arts commission to the Metropolitan arts commission for a community education program. The arts commission proposes to partner with the Nashville public library to conduct creative workshops at the Madison and Southeast branch libraries during the month of October 2013. There would be a required match of \$2,800 to be provided through Fifth Third Bank’s corporate sponsorship.

RESOLUTION NO. RS2013-573 (MATTHEWS & LANGSTER) - This resolution approves a fourth amendment to a grant from the state emergency management agency to the Metropolitan Government for the reimbursement of flood-related expenses. This grant is for the receipt of federal funds to reimburse Metro for flood repairs and the replacement of equipment and facilities. This amendment increases the amount of the grant award by \$604,429.31, for a new total of \$53,278,117.88. The amendment also increases the amount of the local match by \$31,812.07 for a total match of \$2,804,111.30.

RESOLUTION NO. 2013-574 (MATTHEWS, BENNETT & LANGSTER) – This resolution approves an amendment to a grant in the amount of \$552,040 from the U.S. Department of Homeland Security to the Metro fire department to create a professional development program and acquire a driver simulator to train fire department personnel in the operation of large vehicles. These funds are to purchase fire service training courses and a new vehicle driver simulator. There is a required grant requires a local match of \$138,010.

This resolution simply approves an extension of the term of the grant through September 30, 2013, with no increase in the amount of the local match.

RESOLUTION NO. RS2013-575 (BENNETT, MATTHEWS & LANGSTER) – This resolution accepts a donation of \$217.45 from Fred’s Inc. for the benefit of the Metropolitan Nashville Fire Department for public fire safety education.

RESOLUTION NO. RS2013-576 (A. DAVIS, POTTS & OTHERS) – This resolution approves a Safe Routes for Schools project grant application through the Tennessee department of transportation and the Metropolitan department of public works to construct sidewalks along Murray Place in the vicinity of Dan Mills Elementary School. These federal pass-through grant funds are made available for the benefit of specific schools with infrastructure issues that act as an impediment to students safely walking and biking to school. This grant application is a joint effort between Metro Nashville public schools and Metro public works. The proposed infrastructure project will include constructing a sidewalk on Murray Place from Ardee Avenue to Greenland Avenue, along with signage and pavement markings alerting motorists to the presence of pedestrians. The grant would also include \$24,000 for safety and education programs to be provided by Walk/Bike Nashville.

RESOLUTION NO. RS2013-577 (HUNT & PRIDEMORE) – This resolution accepts certain incomplete infrastructure located within the Chesapeake Homes, Creekside, Lanier Park, and Skyline Village subdivisions. The infrastructure within these subdivisions was left incomplete as a result of the downturn in the housing market. In order to address the health and safety concerns associated with such unfinished subdivisions, the council enacted Ordinance No. BL2011-82 in February 2012 to create a mechanism for the acceptance of incomplete infrastructure. The ordinance allows Metro, upon the adoption of a resolution by the council, to accept incomplete roads, streets, sidewalks, water/sewer lines, storm water lines, and other similar infrastructure, along with the related property interests, for subdivisions platted between November 23, 1999 and January 17, 2008 if certain conditions are met. The vacant lots in these four subdivisions are owned by Affordable Housing Resources.

(continued on next page)

RESOLUTION NO. RS2013-577 (continued)

This resolution accepts all infrastructure associated with the roads, sidewalks along the open space, and the water, sewer and storm water systems in these subdivisions, with the exception of the water infrastructure that is to be dedicated to the Madison Suburban Utility District within Lanier Park and the private alleys within the Creekside subdivision. Affordable Housing Resources is required to contribute \$90,000 to be used toward completing the infrastructure.

The costs of completion are as follows:

Chesapeake Homes	\$46,528
Creekside	\$216,861
Lanier Park	\$90,603
Skyline Village	<u>\$188,216</u>
Total	\$542,208

These infrastructure completion projects will be paid out of capital funds previously appropriated by the council for such purpose. The planning, public works, water, and finance departments have all reviewed the application for the acceptance of this incomplete infrastructure and recommended its approval.

RESOLUTION NO. RS2013-578 (JOHNSON, DOMINY & OTHERS) – This resolution accepts the 2012 plan update for the Antioch-Priest Lake community, which was adopted by the planning commission on October 25, 2012. The Antioch-Priest Lake community plan, formerly known as the subarea 13 plan, is one of fourteen subarea plans making up the general plan, which is used by the planning commission in its decision making process regarding zoning. This plan update is the result of seven community meetings held between April and August 2012. This resolution is simply a memorializing of the plan by the council, as the plan has no binding effect on the council’s zoning decision making authority.

RESOLUTION NO. RS2013-579 (TODD, GILMORE & MATTHEWS) – This resolution approves an amendment to an agreement between the state department of transportation and the board of parks and recreation for the implementation of the Warner Park Trails Linkage Improvement project. This contract is for phase one of the project, which includes construction of a 10-foot wide asphalt trail, pedestrian tunnel, retaining wall, ADA accessibility, landscaping, and pedestrian amenities. Metro is responsible for the \$1.5 million construction costs, but will receive reimbursement from the state using federal pass through funds totaling \$1,252,271.80. This resolution approves an extension of the project completion date from August 31, 2015 to August 31, 2016.

RESOLUTION NO. RS2013-580 (MATTHEWS & LANGSTER) – This resolution approves a grant in the amount of \$55,000 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide on-the-job training for dislocated workers. NCAC provides workforce training and development services in the counties of Davidson, Rutherford, Trousdale and Wilson. These funds will be used to reimburse employers under the Tennessee Works Act for training 26 workers. The term of the grant is from December 15, 2012 through November 15, 2013. No Metro funds are obligated as part of this grant.

RESOLUTION NO. RS2013-581 (MATTHEWS) - This resolution authorizes the department of law to pay \$45,000 to compromise and settle the personal injury claim of Shannta Smith against the Metropolitan Government. On April 8, 2011, a Metro water services truck collided with the rear of a vehicle driven by Ms. Smith causing soft tissue injuries to her neck and back. The driver of the Metro truck admitted to the police officer at the scene that he was looking down to answer his cell phone at the time of accident. Ms. Smith's medical expenses to date total \$15,008. Her doctor has assigned her a 6% impairment rating and indicated she would need periodic physical therapy over the course of her life.

The department of law recommends settling the claim for \$45,000 to be paid from the self-insured liability fund. No disciplinary action was taken by the water department against the Metro employee involved in the accident.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2013-345 (HOLLEMAN) – This ordinance amends the official street and alley acceptance and maintenance map by abandoning a 1,841 square-foot portion of unpaved Wyoming Avenue right-of-way from the railroad right-of-way to the adjacent property line. All Metro easements are to be retained. This closure has been requested by Dale and Associates on behalf of the abutting property owner. This ordinance has been approved by the planning commission and the traffic and parking commission. Consent of the affected property owners is attached to the ordinance.

ORDINANCE NO. BL2013-356 (S. DAVIS & MAYNARD) – This ordinance designates Cowan Street from Spring Street north to its terminus as “Production Row”. The purpose of this ordinance is to recognize the significant sound and video production activity taking place on Cowan Street. Ordinance No. BL2012-262 established a procedure for the use of honorary street signs whereby the council, by ordinance, can authorize and direct the department of public works to install honorary street signs beneath the official street name sign for any street identified on the official street and alley acceptance and maintenance map.

This ordinance does not officially rename Cowan Street, and property owners will not be required to change their address. The designation as “Production Row” is only honorary.

ORDINANCE NO. BL2013-357 (GILMORE & POTTS) – This ordinance abandons water, sewer, and stormwater mains and easement rights for the Music City Center project on property bordered by 5th Avenue South, Korean Veterans Boulevard, 8th Avenue South, and Demonbreun Street. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

– BILLS ON THIRD READING –

SUBSTITUTE ORDINANCE NO. BL2012-283 (CLAIBORNE, JERNIGAN & MCGUIRE) – This substitute ordinance, as amended, amends the Metro code provisions pertaining to commercial solicitations. The code currently requires commercial solicitors to obtain a permit from the police department, but the requirements are minimal and do not include a mechanism for oversight and appeal. The current provisions were last amended in 1996. This ordinance is being filed in response to constituent complaints regarding recent aggressive sales techniques engaged in by certain commercial solicitors.

This ordinance is modeled after the commercial solicitation ordinance in Fort Collins, CO implemented in 2011. The ordinance was prepared with the input of the Metropolitan clerk, the police department, and the department of law. Under this ordinance, commercial solicitation permits would be issued by the Metropolitan clerk as opposed to the police department. Along with the permit application, the company would be required to provide a list of all persons who will be authorized to engage in commercial solicitation under the permit. The clerk would be responsible for issuing photo ID badges to the commercial solicitors, which must be worn at all times while soliciting. A background check would be conducted for all commercial solicitors, the cost of which would be borne by the applicant. Persons convicted of certain criminal offenses would be prohibited from obtaining a permit or ID badge.

The clerk would be responsible for maintaining a list of all persons allowed to solicit under a company's permit. The permit fees would be determined by the clerk in an amount necessary to offset the costs of preparing and issuing the permits and associated ID badges. These fees must be ratified by council resolution. Once issued, commercial solicitation permits would be valid for two years. Denials, suspensions, and revocations of a license or ID badge could be appealed to the board of alarm appeals.

In addition to the revised permitting procedures and requirements, this ordinance would create a "No Solicitation List" to be maintained on the clerk's website similar to the "Do Not Call List" that would allow residents to electronically add their address to the list. Commercial solicitors would be responsible for periodically obtaining an updated copy of the no solicitation list, and would be prohibited from soliciting at any residence included on the list. Once added, a residence would remain on the list unless the resident requests to have his/her address removed. This ordinance would have no impact on charitable and political solicitations, which have greater First Amendment protection. Further, the sale of books and other expressive works would be exempt from the no solicitation list restrictions, as these materials also have greater First Amendment protection than other commercial speech.

The ordinance also prohibits commercial solicitation if a "no soliciting" or "no trespassing" sign is posted at the entrance to residential property. Commercial solicitors would further be prohibited from using any deceptive practices to obtain a visit at a private residence for the purpose of selling goods or services.

The clerk would be authorized to promulgate rules and regulations to implement the ordinance. The provisions of the ordinance are to be implemented not later than April 1, 2013.

ORDINANCE NO. BL2012-320 (CLAIBORNE) – This ordinance amends the Metro code to eliminate the subsidized health insurance benefits for future members of council after they leave office. The code currently allows all elected officials participating in the comprehensive health care plan to continue participation in the plan after they leave office. If the elected official has served eight years, he/she may continue to participate in the plan by paying the Metro subsidized rate paid by employees, which is 25% of the premium. However, if the elected official has served less than eight years, he/she must pay 100% of the premium in order to continue participation in the plan.

This ordinance would modify the percentage of premium payments members of council serving two terms would pay for the subsidized health insurance after they leave office. The purpose of this ordinance is to align the premium contribution rates paid by future councilmembers after they leave office with the contribution rates that will be paid by retired Metropolitan Government employees who are hired after January 1, 2013, as provided in Ordinance No. BL2012-237 approved in October 2012. The premium payment responsibility would be as follows:

<u>Time of Service</u>	<u>Former Council Member Responsibility</u>	<u>Metro Responsibility</u>
8-15 years	75%	25%
15-16 years	50%	50%
16-17 years	45%	55%
17-18 years	40%	60%
18-19 years	35%	65%
19-20 years	30%	70%
20 or more years	25%	75%

The ordinance grandfathers in all current members of council and those former members of council that already participate in the health insurance plan. However, the ordinance provides grandfathered members of council with the option to participate in the health plan after they leave office at the higher contribution rates set forth above, instead of the 25% premium payment, if they so choose.

According to information provided by the department of human resources, the subsidized health insurance for former members of council costs Metro approximately \$300,000 per year. There are currently 33 former members of council receiving the subsidized Metro health insurance. Metro’s actuary has determined that the present day value of this benefit is approximately \$9 million.

ORDINANCE NO. BL2012-333 (POTTS & MATTHEWS) – This ordinance, as amended, amends various sections in the Metropolitan Code pertaining to Metro water services (MWS) relative to work performed in the right-of-way, private service line insurance, charges for disconnection and reconnection of service, returned checks, billing procedures, and charitable

(continued on next page)

ORDINANCE NO. BL2012-333 (continued)

discounts. This ordinance has been submitted at the request of MWS to bring the code provisions in line with current practices and to resolve some conflicting code provisions. A summary of the various changes is as follows:

Responsibility for work performed in the right-of-way

This ordinance would clarify that Metro is not responsible for the repair of any privately-owned infrastructure within the right-of-way or within a Metro utility easement that is damaged by MWS when working on water or sewer lines as long as the damage was not caused by Metro's negligence. Private utilities such as Piedmont Gas and AT&T have lines within Metro's right-of-way. This ordinance makes it clear that Metro will not repair these private lines if they are damaged unless Metro failed to exercise reasonable care when doing the work.

Maintenance of service connection

This ordinance further clarifies the ownership and responsibility of water meters. The code section in question was last amended in 2006 to specify that the department owns and is responsible for maintaining the meter and the portion of the water line extending from the water main to the meter. The customer owns and is responsible for the portion of the water line from the meter box to the structure, as well as all required backflow prevention and pressure reducing devices on the customer side of the meter.

This ordinance provides that Metro owns the portion of the water service line from the water main to the domestic meter box so long as the meter is within the public right-of-way. If outside of the public right-of-way, the customer is responsible for the maintenance of the meter. This ordinance would require all new domestic meter boxes to be installed within the public right-of-way, unless the property owner gives MWS an easement to enter the property to work on and maintain the meter. Further, the amended ordinance provides that in the event an existing meter is located on private property, the property owner/customer will be deemed to have authorized MWS and its contractors to come onto the property to repair, replace, or maintain the meter.

Private service line insurance

This ordinance will allow Metro water services to offer private service line insurance to customers through one or more insurance providers. The customers electing to purchase the insurance would be responsible for paying the costs of the premiums. Customers would be under no obligation to purchase such insurance. If purchased, the insurance would cover repair costs for service lines on private property.

Discounts for charitable organizations

For many years, the code has purported to offer a discount to charitable organizations on their water and sewer bills. However, this discount has not been offered since 1997 when the Tennessee attorney general opined that it is illegal to offer such a discount. This ordinance repeals the charitable discount provisions from the code to prevent confusion.

(continued on next page)

ORDINANCE NO. BL2012-333 (continued)

Clarification regarding fees and charges

- Extends the payment due date from 15 to 20 days. An additional amount of \$2.50 or 5% (whichever is greater) of the net bill is owed if the bill is not paid within 20 days of billing.
- Clarifies that the service reconnection fee if the water was disconnected for failure to pay the bill is a flat \$50. The \$50 reconnection fee was actually added to another section of the code in 2007, but a section remained in the code stating that the fee is to be \$15. The \$50 charge covers the cost of sending crews out twice: once to disconnect and again to reconnect. The code also currently provides that the customer must pay one-half of the arrears plus the service charge to be reconnected, with the balance to be paid over time. This ordinance brings the code in line with the practice since 2008, which is to require the customer to pay \$50 plus the full amount of arrears.
- Increases the reinstatement charge after a temporary disconnection at the customer's request from \$15 to \$35 for same day service and \$25 for any subsequent day. Once again, this brings the code provision in line with the change that was made by ordinance in 2007.
- Increases the fee in the code for returned checks from \$10 to \$30. The \$30 fee has been in place since 2008, and is consistent with the general code provision regarding returned checks applicable to all Metro agencies.

ORDINANCE NO. BL2013-338 (TYGARD & DOMINY) – This ordinance, as amended, amends the Metropolitan Code to require certain sole source contracts to be approved by resolution of the council. The procurement code recognizes that there are some contracts for which it is not feasible to put out for public bid when there is only one source capable of providing the particular goods or services. Further, the procurement code provides that contracts for services requiring certain professional expertise are not to be put out for competitive bid, but rather are to be awarded on the basis of recognized competence and integrity. Professional services include legal services, medical services, accounting, financial advisors, architects, and engineers.

This ordinance would require all sole source contracts for the purchase of goods or services in excess of \$250,000, other than contracts for economic development services, to be approved by resolution of the council receiving at least 21 affirmative votes.

According to the purchasing agent, Metro had two sole source contracts in fiscal year 2011, two in fiscal year 2012, and only one so far in fiscal year 2013 that were valued at \$250,000 or more.

ORDINANCE NOS. BL2013-339 & BL2013-340 – These two ordinances authorize the industrial development board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of two companies. State law permits local governments to delegate the authority to industrial development boards to enter into payment-in-lieu-of-tax (PILOT) agreements provided that the payments are in furtherance of the public purpose of the board. PILOT agreements essentially provide tax abatements for real and/or
(continued on next page)

ORDINANCE NOS. BL2013-339 & BL2013-340, continued

personal property taxes the company would otherwise be required to pay to the Metropolitan Government. PILOTs are a tool utilized by Metro to provide incentives to large employers to create more job opportunities, and are subject to approval by the council.

Ordinance No. BL2013-339 (Matthews & McGuire) approves a PILOT agreement for the benefit of AmSurg Corporation. AmSurg is the largest operator of ambulatory surgery centers in the United States, with more than 200 outpatient surgery centers in 35 states. AmSurg is currently headquartered in two buildings in the Burton Hills development in Green Hills where it employs 420 people. AmSurg plans to consolidate its headquarters into a new three story, 110,000 square foot building that is to be constructed within the same Burton Hills development as the current headquarters, with an approximate capital investment of \$40 million. Eakin Partners will be acting as the developer of the project in conjunction with Burton 6, LLC. The council recently approved Ordinance No. BL2012-247 to amend the Burton Hills planned unit development to allow for the construction of this building and underground parking on the property.

As an inducement to keep the AmSurg corporate headquarters in Davidson County, this ordinance would provide a real property tax abatement over a period of eight years. The amount of the abatement would be 100% for years 0-2, and a 60% abatement for years 3-8. According to information provided by the property assessor's office, the new building will have an approximate appraised value of \$22 million once it is completed. The portion of the property where the building is to be constructed currently generates roughly \$18,000 in property taxes. Using this value, the amount of the property tax abatement would be \$410,080 in each of the first two years, and \$246,048 over the next six years for a total tax abatement of approximately \$2.3 over the eight year period. Metro would still collect more than \$980,000 of property taxes during the eight years.

Unlike other recent economic development incentive deals, no performance milestones have been incorporated into the proposed PILOT agreement, and AmSurg has not committed to maintaining or increasing the number of jobs at the corporate headquarters. AmSurg would continue to receive the property tax abatement regardless of the number of employees working at the headquarters. The company has committed to a 15 year lease of the property, which means Metro would receive 100% of the property taxes on the occupied building between years 9 and 15 of the lease. The PILOT agreement provides that the abatement is conditioned upon a lease agreement between AmSurg and Burton 6, LLC, which means that the abatement would terminate in the event AmSurg vacated the building within the 8 year term.

Ordinance No. BL2013-340 (Matthews & Tenpenny) approves a PILOT agreement for the benefit of Oberto Sausage Company. Oberto is a national manufacturer of beef jerky and other meat products that plans to invest approximately \$29 million to renovate and operate a manufacturing facility located at 2960 Armory Drive. The company plans to move to this facility later this year where it will employ 130 full-time employees upon the commencement of operations, increasing to 310 employees within five years.

(continued on next page)

ORDINANCE NOS. BL2013-339 & BL2013-340, continued

This ordinance approves an abatement for both real and personal property taxes for five years. The amount of the abatement will be 50% of the difference between the 2011 property taxes paid and what otherwise would be owed. The amount of real property taxes paid in 2011 on the property was \$64,670.80. Using a \$3,250,000 build-out estimate, the amount of real property taxes that would otherwise be owed in 2013 is \$160,304, which would result in an annual abatement amount of \$47,816.60, or \$239,083 over five years. The personal property taxes paid in 2011 for the facility by the previous owner of the property, Mountain City Meats, was \$64,670.80. It is estimated that the amount of the personal property tax abatement for Oberto after their capital investment will be \$464,344 over five years for a total real and personal property tax abatement of approximately \$700,000.

ORDINANCE NO. BL2013-342 (GILMORE & MATTHEWS) – This ordinance approves an agreement with the state department of transportation for the benefit of the parks department regarding the construction and maintenance of the Richland Creek greenway. This agreement will allow Metro to construct the greenway on property owned by the state. The costs of constructing and maintaining the greenway will be the responsibility of Metro, but Metro will not be required to provide any compensation to the state for use of the property. The term of the agreement is for 15 years but may be terminated by the state with 60 days written notice. This agreement has been approved by the parks board and the planning commission.

ORDINANCE NO. BL2013-343 (GILMORE & POTTS) – This ordinance, as amended, authorizes Omni Nashville, LLC to install and maintain aerial and underground encroachments in the right-of-way of 4th Avenue South, 5th Avenue South, and Korean Veterans Boulevard. These encroachments will include a gas meter, screening, metal canopies, light fixtures, trellises, and signage for the new Omni convention center hotel. Omni has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachment.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-344 (HARRISON) – This ordinance renames a portion of Aline Avenue from Weakley Avenue to its terminus as “John L. Copeland Boulevard”. Aline Avenue is a two block street that runs parallel to Brick Church Pike. This name change request was originally submitted by Zion Missionary Baptist Church to close the full length of the street, but according to the planning department, was revised by the applicant to only rename one block. According to the biographical information attached to the ordinance, John L. Copeland was a longtime pastor of Zion Missionary Baptist Church and community supporter who was one of the Freedom Riders during the civil rights movement.

This name change has been approved by the traffic and parking commission and referred to the emergency communications district board.

ORDINANCE NOS. BL2012-346 and BL2012-347 – These two ordinances amend the official street and alley acceptance and maintenance map by abandoning sections of right-of-way no longer needed by the Metropolitan Government. These ordinances have been approved by the planning commission and the traffic and parking commission. All affected property owners have consented to the proposed right-of-way abandonments.

Substitute Ordinance No. BL2012-346 (Gilmore & Potts) abandons a portion of Alley No. 207 and Alley No. 209 from Hume Street to Taylor Street between 5th Avenue North and Rosa L. Parks Boulevard. This abandonment has been requested by Littlejohn Engineering Associates on behalf of the abutting property owner, Werthen Packaging, Inc. The ordinance also abandons certain utility and drainage easements within the Alley No. 207 right-of-way.

Ordinance No. BL2012-347 (Gilmore & Potts) abandons a portion of Clark Street, 7th Avenue South, 6th Avenue South, Shirley Street, Alley No. 114, Alley No. 137, and Alley No. 145, which are encumbering the Music City Center property. The ordinance also abandons all utility easements.